

RACHELE R. BYRD (190634)  
**WOLF HALDENSTEIN ADLER  
 FREEMAN & HERZ LLP**  
 750 B Street, Suite 1820  
 San Diego, CA 92101  
 Telephone: 619/239-4599  
 Facsimile: 619/234-4599  
 byrd@whafh.com

*Interim Class Counsel for the  
 Consumer Plaintiffs*

BENJAMIN J. SIEGEL (SBN 256260)  
**HAGENS BERMAN SOBOL  
 SHAPIRO LLP**  
 715 Hearst Avenue, Suite 202C  
 Berkeley, CA 94710  
 Telephone: (510) 725-3000  
 Facsimile: (510) 725-3001  
 bens@hbsslaw.com

*Interim Class Counsel for the  
 Developer Plaintiffs*

PAUL J. RIEHLE (SBN 115199)  
 paul.riehle@faegredrinker.com  
**FAEGRE DRINKER BIDDLE &  
 REATH LLP**  
 Four Embarcadero Center, 27th Floor  
 San Francisco, CA 94111  
 Telephone: (415) 591-7500  
 Facsimile: (415) 591-7510

LAUREN A. MOSKOWITZ (*pro hac  
 vice*)  
 lmoskowitz@cravath.com  
**CRAVATH, SWAINE & MOORE LLP**  
 825 Eighth Avenue  
 New York, New York 10019  
 Telephone: (212) 474-1000  
 Facsimile: (212) 474-3700

*Attorneys for Plaintiff Epic Games, Inc.*

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION**

EPIC GAMES, INC.,  
*Plaintiff, Counter-defendant,*  
 v.  
 APPLE INC.,  
*Defendant, Counterclaimant.*

Case No. 4:20-cv-05640-YGR-TSH  
 Case No. 4:11-cv-06714-YGR-TSH  
 Case No. 4:19-cv-03074-YGR-TSH

IN RE APPLE IPHONE ANTITRUST  
 LITIGATION

**PLAINTIFFS' JOINT  
 ADMINISTRATIVE MOTION TO FILE  
 UNDER SEAL THE JOINT DISCOVERY  
 LETTER BRIEF REGARDING COOK  
 DEPOSITION**

DONALD R. CAMERON, *et al.*,  
*Plaintiffs,*  
 v.  
 APPLE INC.,  
*Defendant.*

Judge: Hon. Magistrate Thomas S. Hixson

1 Plaintiffs in the above-captioned actions bring this joint administrative motion  
 2 under Civil Local Rules 7-11(a) and 79-5(d)-(e) for an order granting Plaintiffs leave to file under  
 3 seal the Joint Discovery Letter Brief Regarding Cook Deposition (the “Joint Discovery Letter  
 4 Brief”).

5 Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed  
 6 if a party “establishes that the documents, or portions thereof, are privileged, protectable as a trade  
 7 secret or otherwise entitled to protection under the law.” Civ. L.R. 79-5(b). Under this standard, a  
 8 party seeking to seal a document generally must overcome the “strong presumption in favor of  
 9 access” that applies to court documents other than those that are traditionally kept secret.  
 10 *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citations omitted).  
 11 However, the “public has less of a need for access to court records attached only to non-  
 12 dispositive motions because those documents are often ‘unrelated, or only tangentially related to  
 13 the underlying cause of action.’” *Id.* at 1179 (citations omitted). Instead, a “‘good cause’ showing  
 14 under Rule 26(c) [of the Federal Rules of Civil Procedure] will suffice to keep sealed records  
 15 attached to non-dispositive motions.” *Id.* at 1180; *In re NCAA Student-Athlete Name & Likeness*  
 16 *Licensing Litig.*, 2013 WL 3014144, at \*1 (N.D. Cal. Jun. 17, 2013). A party seeking to seal such  
 17 material must make a “particularized showing of good cause with respect to any individual  
 18 document.” *San Jose Mercury News, Inc. v. U.S. Dist. Court, N. Dist. (San Jose)*, 187 F.3d 1096,  
 19 1103 (9th Cir. 1999). Sealing requests must also be “narrowly tailor[ed].” Civ. L.R. 79-5(b).

20 Subsection (e) of Local Rule 79-5 sets forth procedures that apply when a party  
 21 seeks to file information designated as confidential by an opposing party. This Administrative  
 22 Motion is based on Defendant Apple Inc.’s (“Apple”) designation of information in the Joint  
 23 Discovery Letter Brief as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’  
 24 EYES ONLY” under the protective orders in the above-captioned actions. (*Epic Games, Inc. v.*  
 25 *Apple Inc.*, No. 20-cv-05640-YGR-TSH, ECF No. 112; *In re Apple iPhone Antitrust Litigation*,  
 26 No. 4:11-cv-06714-YGR-TSH, ECF No. 199; *Donald R. Cameron, et al. v. Apple Inc.*, No. 4:19-  
 27 cv-03074-YGR-TSH, ECF No. 85.) Plaintiffs do not believe that the Joint Discovery Letter Brief  
 28

1 meets the standard for sealing. But at Apple’s request, Plaintiffs are filing the document in its  
2 entirety under seal. Pursuant to subsection (e)(1) of Local Rule 79-5, Apple has four days to file a  
3 declaration establishing that all of the designated material is “sealable” (as defined in Local  
4 Rule 79-5(b)).

1 Dated: January 19, 2021

CRAVATH, SWAINE & MOORE LLP

Christine Varney  
Katherine B. Forrest  
Gary A. Bornstein  
Yonatan Even  
Lauren A. Moskowitz  
M. Brent Byars

5 Respectfully submitted,

6 By: /s/ Lauren A. Moskowitz  
7 Lauren A. Moskowitz

8 *Attorneys for Plaintiff Epic Games, Inc.*

9 Dated: January 19, 2021

WOLF HALDENSTEIN ADLER FREEMAN &  
HERZ LLP

Mark C. Rifkin  
Rachele R. Byrd  
Matthew M. Guiney  
Brittany N. DeJong

13 Respectfully submitted,

14 By: /s/ Rachele R. Byrd  
15 Rachele R. Byrd

16 *Interim Class Counsel for Consumer*  
17 *Plaintiffs*

18 Dated: January 19, 2021

HAGENS BERMAN SOBOL SHAPIRO LLP

Steve W. Berman  
Robert F. Lopez  
Shana E. Scarlett  
Benjamin J. Siegel

21 Respectfully submitted,

22 By: /s/ Benjamin J. Siegel  
23 Benjamin J. Siegel

24 *Interim Class Counsel for Developer*  
25 *Plaintiffs*

**E-FILING ATTESTATION**

I, Lauren A. Moskowitz, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

*/s/ Lauren A. Moskowitz*

---

Lauren A. Moskowitz